

10/31/23 • COVID › NEWS

# Fired Unvaccinated New York City Teachers Still Fighting for Reinstatement and Back Pay After Supreme Court Win

*New York City appealed last month's state Supreme Court ruling reinstating 10 teachers fired for refusing the COVID-19 vaccine on religious grounds. Despite confusion on social media, the appeal means the teachers have not returned to work or received back pay.*

**By Brenda Baletti, Ph.D.**

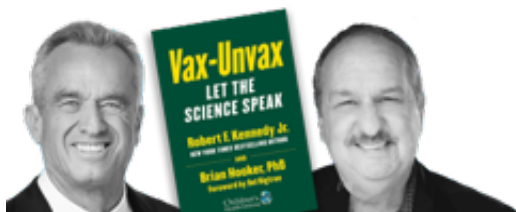
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In a precedent-setting victory last month, a New York State Supreme Court judge ruled that 10 New York City school teachers fired for refusing the COVID-19 vaccine on religious grounds must be reinstated with back pay, benefits, seniority and attorney fees.

But the city immediately appealed the decision, so none of those teachers have returned to their jobs or received any payments.

"These workers absolutely did win reinstatement and back-pay," Sujata Gibson, the teachers' attorney told The Defender. "Unfortunately, in New York State courts, the government is entitled to an 'automatic stay' of any such relief pending resolution of the appeal."

## RFK Jr. and Brian Hooker's New Book: "Vax-Unvax"



Gibson also said:

"CHD [Children's Health Defense] is supporting us in our fight to defend these wins on appeal, and we are pursuing additional options to try to speed this process up and secure relief for additional plaintiffs. But the fight is not over yet."

Nearly 7,000 New York City Department of Education (DOE) workers who sought religious accommodation from the COVID-19 vaccine mandate in 2021 were denied based on standards that a federal court later ruled unconstitutional.

Some of the workers, along with Teachers For Choice, sued the city in February, in a lawsuit sponsored in part by CHD and CHD New York.

The suit also sought class-action certification for all DOE workers who were denied religious exemptions. Judge Ralph Porzio denied the motion to grant class status, a ruling the plaintiffs are appealing.

Regardless, Gibson said the decision was “a precedent-setting victory, and a watershed moment in the teachers’ fight.”

Thousands of workers were subjected to the very same processes the judge ruled were “arbitrary and capricious,” and they could sue individually based on that precedent, if it is upheld by the appeals court, Gibson said.

Michael Kane, one of the plaintiffs and a member of Teachers For Choice, told The Defender that after filing the appeal, the city has six months to take the next step in the case — so even though they won with the last ruling, the fired teachers will have to continue to fight for their rights and the relief they are entitled to.



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### **The struggle continues, despite confusion on social media**

Last week, a Fox News story from Oct. 25, 2022, “New York Supreme Court reinstates all employees fired for being unvaccinated, orders backpay” was picked up and celebrated on social media by influential figures and their followers. It circulated on X, formerly Twitter, and Instagram, where hundreds of thousands of social media users “liked” the posts, Kane said.

The story itself was vague — it did not cite the actual case that had been ruled on and it gave the impression that all New York City workers fired for refusing vaccination would be returning to work with back pay.

In fact, the story was posted after the state’s Supreme Court ruled in favor of plaintiffs George Garvey and 15 other New York City Department of Sanitation employees who were fired by the city for non-compliance with the mandate.

That historic ruling was applicable not only to the 16 workers who sued but also to all public employees in New York City, including the police and fire department.

But in that case, the city also appealed the ruling and the appeals process is ongoing.

New York City workers, with substantial public support, continue to fight, Kane said.

He added:

"This isn't just for us, it's for our kids and our grandkids. This is laying the groundwork. It took over 50 years for Plessy v. Ferguson to be overturned by Brown v. Board of Education. Civil rights battles are long, protracted struggles, and that's what we're in. It's not fun, but that's what we're in."

## SUGGEST A CORRECTION



### Brenda Baletti, Ph.D.

Brenda Baletti Ph.D. is a reporter for The Defender. She wrote and taught about capitalism and politics for 10 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

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M

mcwinaz

14 days ago

I would take the back pay, pretend like I'm going back to work, and then quit. There is NO WAY anyone should want to work for these clowns again.

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D

Deanne

→ mcwinaz

11 days ago

I can't figure out why anyone would even WANT to go back to work for a person, business, or organization that put them in such a situation. I suppose there might be some sense of justice to be back where they kicked you out, but you'd be back working with a bunch of cogs in the wheel that had complied, not stood up against the tyranny, and possibly even supported what was done. What kind of work environment would that be?

Unfortunately, it is taxpayers (current, future, and some not-yet-born) who foot the bill for what government employees do. I wish there were some way to sue the offenders directly instead of other people being required to pay up for their bad moves.

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B

Brad

16 days ago

I retired on January 1, 2020. I went on vacation to visit family in Michigan. I stayed until March 12, 2020, arrived back home and the next day the Scamdemic was launched.

I knew back in the 1970s that the government along with OSHA was just a front to enslave workers into this false right paradigm and debt slavery.

I'm debt-free retired and just knew this day would come but never saw the JAB's coercion coming. Anyhow everyone must get out of debt and there is an old 1890s law but also unsecured debt you don't have to pay back just move you'll figure it out.

Get off the grid and be self-sufficient because these people want to force compliance and enslavement of the whole family using forced medical payments and compliance.

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Bill Hough

15 days ago

My employer announced a vax mandate effective late April 2022 (!). Although I had planned to work until at least 2024. I took early retirement and filed an EEOC complaint after my employer's 3rd party consultant denied my religious accommodation request. Six months later, my employer offered me the opportunity to return to work; however, I had to sign away any claim for back pay. Recognizing a settlement offer when I see one, I signed. Since I was getting pension payments of about 40% of salary, I figured it was a (partially) paid sabbatical. I figured any lawsuit (Which I almost filed) would drag on for years, and since I am north of 60, it is not worth it.

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D

Deanne

→ Bill Hough

— 

11 days ago

A scumbag employer. I'm not sure how much effort I would want to put into his success.

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